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HONOURABLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION NO:22165 of 1996

DATED: 05-07-2006

Between:

Ch.Mohan Rao

..... PETITIONER

AND

APSRTC, rep.by its Managing Director, Mushirabad, Hyderabad and others.

.....RESPONDENTS

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ORDER:

Heard Sri K.Muralidhar Reddy, learned counsel for the petitioner and Sri R.Manmadha Reddy, learned Standing Counsel appearing on behalf of the respondents herein.

The petitioner herein who is working as a Mechanic in the respondent-Corporation files this writ petition *interalia* seeking for mandamus declaring the action of the respondents, in not considering the case of the petitioner for promotion to the post of

Mechanic Grade-I and therefrom to Mechanic Grade-II from the date on which his junior i.e., the 4th respondent was promoted, as illegal and arbitrary.

The case of the petitioner is that subsequent to his initial appointment on 11-09-1975, the 4th respondent was appointed on 15-09-1975 and the 4th respondent was promoted on 22-02-1987, and therefore, he filed a writ petition in W.P.No.11841 of 1988 which was disposed of on 13-04-1992, and again another writ petition in W.P.No.12565 of 1993 which was disposed of on 22-02-1993. In spite of the directions given, the respondents have not given due credence to the petitioner and no promotion has been given. Hence, the present writ petition.

In the counter-affidavit filed on behalf of the respondents, it is submitted that having regard to the fact that the petitioner has not at all qualified at the inception itself, the question of considering his case for promotion does not arise. Whereas the petitioner was promoted to the post of Mechanic Grade-I with effect from 01-07-1995 and the same has remained unchallenged. Therefore, the petitioner does not stand anywhere nearer to that of 4th respondent herein.

It is to be seen that having regard to the aforesaid facts the petitioner does not come anywhere nearer to the point of

consideration and his case has been rightly rejected.

Having heard the learned counsel on either side and also on perusal of the entire material, there is no dispute in regard to the earlier rounds of litigation and the fact that at the relevant point of time he was not qualified. The petitioner's contention is squarely on the ground that in spite of the directions given by this Court on merits, the respondents have not given effect to. It is needless to mention that the earlier directions were given for considering his case in terms of the representation filed and there are no findings as such nor any observation taken on findings. If the petitioner is fully qualified he can seek any post or any directions under Article 226 of the Constitution of India. Since there is no serious denial to the fact that at the inception itself the petitioner was not qualified, the question of further promotion does not arise and hence, there are no merits.

The writ petition is accordingly dismissed. No costs.

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05th July, 2006

SKM